

January 5, 1950

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William H. Becker, Chairman
Board of Directors of State
Institutions for Juveniles
734 West Latham
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Becker:

We have your letter of December 29 with the following request:

"Kindly advise the Board of Directors of State Institutions for Juveniles an explanation of Section 6. Superintendent, (a) of Chapter 10, House Bill No. 12, AN ACT relating to State Institutions for Juveniles, and creating a Board of Directors, Thirteenth Legislature, House of Representatives, Fourth Special Session, and, in particular, the definition of 'a male citizen of the State of Arizona'."

The statute to which you refer is contained in Section 47-406 ACA 1939. We assume that your request concerns the qualifications of the superintendent of the Industrial School with particular regard to whether or not he is or must be a resident of the State of Arizona. The statute requires that the superintendent be a "male person", which we presume needs no explanation, and that he be a "citizen of the State of Arizona".

The words "citizen of the State of Arizona" are ordinary words, and under common usage are understood to mean a citizen of the United States whose domicile is in the State of Arizona without further qualification. However, the statute is subject to constitutional limitations, and we would point out that public officers of the State of Arizona must be qualified electors, Section 15, Article 7, Constitution of Arizona. A qualified elector must have been a resident of the State for one year next preceding an election, Section 55-201, ACA 1939. This applies to all public officers whether elected or appointed. The Supreme Court of Arizona in Stapleton v. Frohmler, 53 Ariz. 11, 85 P. 2d 49, defined a public officer as one: (1) whose office is created by law, (2) who has definite duties imposed by law, and (3) who exercises some portion of the sovereign power of the state.

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We believe the superintendent is a public officer since his office and his duties are created by statute, and in the course of such duties he necessarily must exercise certain authority which in our opinion is a part of the sovereign power of the State.

For the foregoing reasons, it is our opinion that the superintendent of the Institution must be a man who is both a citizen and qualified elector of the State of Arizona.

Very truly yours,

FRED O. WILSON, Attorney General

LORNA E. LOCKWOOD,
Assistant Attorney General